

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:18-CR-189-FL-1

UNITED STATES OF AMERICA,

v.

ROY LEE FOWLER,

Defendant.

)
)
)
)
)
)
)

ORDER

This matter came before the court January 28, 2019, for a hearing on the competency of Defendant Roy Lee Fowler (“Defendant”) to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4142 and 4247(d). At the hearing the government was represented by Assistant United States Attorney Daniel Smith and Defendant, who was present in the courtroom, was represented by Christopher Venters. The court advised Defendant of the purpose of the hearing as well as his rights under 18 U.S.C. § 4247(d), all of which Defendant indicated he understood. The government then referred to the Forensic Evaluation (“Forensic Evaluation”), dated December 18, 2018, which was prepared by Heather H. Ross, Ph.D., a Forensic Psychologist at the Federal Correctional Institution – Butner and Angelea Bolanos, M.A, Predoctoral Psychology Intern. The Forensic Report has been filed under seal and was provided and review by counsel prior to the hearing.

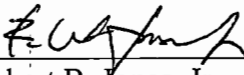
According to the Forensic Evaluation, Defendant meets the criteria for (1) Borderline Intellectual Functioning, (2) Stimulant Use Disorder, Cocaine, in a Controlled Environment, and (3) Alcohol Use Disorder, in a Controlled Environment, and Defendant meets the diagnoses of

Adult Antisocial Behavior. Despite these conditions, it is opined that Defendant does not lack either a sufficient ability to consult with his attorney with a reasonable degree of rational understanding or a rational and factual understanding of the proceedings against him.

Accordingly, the Forensic Evaluation concluded Defendant is competent to stand trial. Neither party disputed the findings and conclusions of the Forensic Evaluation nor did either party present any further evidence on the issue of Defendant's competency.

After consideration of the position of the parties and the Forensic Evaluation, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4241(d), that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 28th day of January 2019.



Robert B. Jones, Jr.
United States Magistrate Judge